

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 202003788	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 2:00 PM, Saturday, 05/30/2020 8:29 PM	Location of Incident: Bedford Avenue and Tilden Avenue	Precinct: 67	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/02/2020 12:48 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 06/02/2020 12:48 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Michael Butler	00000	948725	CD OFF

Officer(s)	Allegation	Investigator Recommendation
A.LT Michael Butler	Force: Lieutenant Michael Butler used physical force against individuals.	
B.LT Michael Butler	Force: Lieutenant Michael Butler used physical force against an individual.	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

Case Summary

On June 2, 2020, § 87(2)(b) filed the following complaint with the CCRB online. § 87(2)(b) filed this complaint as a reporting non-witness after viewing cellphone footage of the incident on Twitter.

On May 30, 2020, at approximately 2:00 p.m., Lt. Michael Butler from the Office the Chief of Department pushed his way through a crowd of protesters at the intersection of Bedford Avenue and Tilden Avenue in Brooklyn. Upon reaching the last line of protesters by the sidewalk, he pushed an unidentified male individual who then fell to the ground (**Allegation A: Force;**

§ 87(2)(g) This individual was then handcuffed.

Later that day, at approximately 8:30 p.m. in the same area, Lt. Butler tackled another unidentified individual who was being led away by two police officers (**Allegation B: Force;**

§ 87(2)(g) § 87(2)(g), § 87(4-b)

Both incidents were captured on video, the footage of which was posted to Twitter by § 87(2)(b) and § 87(2)(b) respectively [BR13 and BR14]. These videos were also featured in the *New York Times* article regarding the George Floyd protests [BR03]. Lt. Butler was not equipped with a body-worn camera (BWC) during the incident.

Findings and Recommendations

Allegation (A) Force: Lieutenant Michael Butler used physical force against an individual.

It is undisputed that Lt. Butler pushed an individual during this incident.

Cellphone footage of the incident shows Lt. Butler pushing through a crowd of protesters in the street. Upon arriving at the last row of the crowd, Lt. Butler pushes an individual, henceforth referred to as I1, who then fell back towards the sidewalk. Lt. Butler and I1 are next seen on the ground, with Lt. Butler and a few other unknown officers attempting to handcuff him [BR01].

As no documentation (i.e. TRI report, arrest paperwork, etc.) from the incident was prepared and no arrest report was found, the investigation could not determine the identity of I1 or if they were arrested and charged with a crime.

§ 87(2)(b) stated that she was not present for the incident and reported the complaint after viewing the footage on Twitter. She stated that the officer looked like someone she went to high school with, named Michael Butler [BR04]. § 87(2)(b) stated that, while participating in the George Floyd protest, the group he was marching with was penned in at the intersection of Tilden Avenue and Bedford Avenue. He was standing by the parked cars near the sidewalk when he saw Lt. Butler and another officer charge towards them and began recording. Lt. Butler then tackled I1. § 87(2)(b) did not see I1 do anything prior to being tackled. He then posted the footage to Twitter immediately after the incident [BR05].

Lt. Butler was initially unable to recall the specific incident, but stated that on May 30, 2020, he was monitoring the George Floyd protests, which began around 2:00 p.m. at Prospect Park in Brooklyn. The protests became violent as they progressed and that he was struck with bricks and had urine thrown in his face while on duty. Upon viewing the cellphone footage, Lt. Butler testified that, at the time the video was taken, he was attempting to respond to a call from the commanding officer of the 71st Precinct (who Lt. Butler interchangeably referred to as the Chief of the 71st Precinct), who went over the radio to say he was being attacked and that it “might be his last transmission”. Lt. Butler did not know the name of this commanding officer. Lt. Butler moved through the crowd to get to the sidewalk and continually gave orders to the crowd to let him through. Upon reaching the last row of the protesters, he told I1 to let him through. I1 told Lt. Butler that he was not getting through, puffed out his chest, and locked arms with the other protesters next to him. Lt. Butler stated that this individual was under arrest at this point, as he had refused to comply with a lawful order. He then went to arrest this individual and pushed him out of the way. He did not know how they ended up on the ground. He then proceeded to handcuff this individual with the assistance of a few other officers. He observed officers run towards the direction

of the commanding officer, but he himself did not respond to the call [BR06].

The Event Summary from the vicinity of Bedford Avenue and Tilden Avenue did not yield any identifying information of an officer assistance call made at the time of the incident [BR07]. 911 audio received for case § 87(2)(b) another case stemming from this protest, captured the call for assistance that Lt. Butler seemed to be referencing. In the audio, an unidentified commanding officer of the 70th Precinct makes repeated requests for immediate assistance over the radio. A 10-13 is called with requests made for units to respond to Bedford Avenue and Tilden Avenue in Brooklyn. At 5:34 of the audio, the same commanding officer states, "Listen to me, this may be my last transmission." [BR 11].

As per Patrol Guide Procedure 221-01, use of force is reasonable when it is used to place a subject in custody or to prevent an escape from custody. Such factors used to determine the reasonableness of force include the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat, whether the subject is actively resisting or attempting to evade arrest by flight, number of subjects compared to MOS, size, age, and condition of the subject, subjects' violent history, presence of a hostile crowd, or whether the individual is under the influence of a stimulant or narcotic [BR08].

Although the investigation located the radio transmission Lt. Butler referenced, as shown in the footage and as Lt. Butler testified, Lt. Butler did not proceed, after pushing I1, to assist this commanding officer in need, but rather arrested I1 for failing to comply with a lawful order, a misdemeanor charge. These actions do not reflect the urgency Lt. Butler testified existed in that moment. As Lt. Butler did not use force to actually address the danger posed to the commanding officer, and I1 did not exhibit any of the factors cited above that would have warranted such force,

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Force: Lieutenant Michael Butler used physical force against an individual.

It is undisputed that Lt. Butler tackled an unknown individual, I2, during his arrest.

Cellphone footage, which was taken and posted on Twitter by § 87(2)(b) shows two officers holding onto I2, walking him away and attempting to handcuff him. At 00:16 minutes, Lt. Butler appears on screen takes I2 down to the ground by placing his arm across the individuals' upper chest and taking him to the ground [BR02].

§ 87(2)(b) stated that she did not observe the actual incident captured on the cellphone footage. As she was marching slightly north of Bedford Avenue and Tilden Avenue, she heard loud popping noises, which prompted her to take out her phone and start recording. Upon later viewing the footage, she realized that she had captured the physical takedown of I2 [BR09].

As no documentation was prepared for the incident and no arrest report could be found, the investigation could not identify I2.

Lt. Butler testified, after viewing the footage, that I2 had punched several officers prior to the video and was under arrest. He and several other officers pulled I2 from the crowd he was in and attempted to handcuff him. Lt. Butler stated that he observed the two officers in the video struggling to arrest I2, who was moving his body and attempting to run away from the officers, which led him to believe that the officers did not have control over him. Neither of the officers who were arresting I2 requested assistance. Fearing that I2 would flee, Lt. Butler came from behind him, grabbed him by his chest, and took him to the ground. He did not recall if he issued any commands to I2 prior to the takedown and could not elaborate why he approached him from behind. Once I2 was taken to the ground, he was turned around and handcuffed. Lt. Butler stated there were no further difficulties with handcuffing I2 [BR06].

As per Patrol Guide Procedure 221-01, use of force is reasonable when it is used to place a subject in custody or to prevent an escape from custody. Such factors used to determine the

reasonableness of force include the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat, whether the subject is actively resisting or attempting to evade arrest by flight, number of subjects compared to MOS, size, age, and condition of the subject, subjects' violent history, presence of a hostile crowd, or whether the individual is under the influence of a stimulant or narcotic [BR08].

While Lt. Butler stated that I2 indicated he was attempting to flee, the video does not show this, as he does not appear to move his body away from the officers nor does it show the officers struggling to keep control of him. Despite the prior alleged violent behavior, at the time that the forcible takedown was conducted, I2 was in custody of the officers and did not pose any apparent immediate threat. Several officers, aside from the two holding I2, who were also present, did not take similar actions to Lt. Butler. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) was a reporting non-witness for this complaint. She has not filed any prior complaints with the CCRB.
- Lt. Butler has been a member of service for ten years and has been a subject in nine complaints and 26 allegations.
 - A stop allegation was substantiated for CCRB case #201400357, for which the Board recommended formalized training and the NYPD gave him instructions.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- As there was no identified victim for this case, it could not be determined if a Notice of Claim was filed for this incident.
- As there was no identified victim for this case, an Office of Court Administration search was not conducted.

Squad No.: 8

Investigator: Genevieve Lamont
Signature

Inv. Genevieve Lamont
Print Title & Name

4/8/2021
Date

CCRB Case # 202003788

Squad Leader: Ethan De Angelo IM Ethan De Angelo 4/8/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date